

## **Remarks**

### **1. Summary of Rejections**

In the Office Action mailed July 14, 2004, the Examiner rejected claim 7 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, the Examiner rejected claims 4, 2, 6, 7, 10-12 under 35 U.S.C. § 103(a) as being obvious over a combination of U.S. Patent No. 6,434,381 (Moore) and U.S. Patent No. 6,650,902 (Richton), the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being obvious over a combination of Moore, Richton, and U.S. Patent Publication No. 2002/0107029 (Caughran), the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being obvious over a combination of Moore, Richton, and U.S. Patent No. 6,233,448 (Alperovich), the Examiner rejected claims 8, 9, and 15 under 35 U.S.C. § 103(a) as being obvious over a combination of Moore, Richton, and U.S. Patent Publication No. 2003/0060211 (Chern), and the Examiner rejected claims 13 and 14 under 35 U.S.C. § 103(a) as being obvious over a combination of Moore, Richton, Caughran, and Chern.

### **2. Response to Rejections**

#### **a. Response to § 112 Rejection of Claim 7**

The Examiner rejected claim 7 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By way of this response, Applicant has amended claim 7 to correct a typographical error made in the previous amendment of the claim, thereby overcoming this rejection.

**b. Response to § 103 Rejection of Claims 2, 4, 6, 7, and 10-12**

The Examiner next rejected independent claims 4 and 12, and dependent claims 2, 6, 7, and 10-11, as being obvious over a combination of Moore and Richton. Applicant traverses this rejection, because the combination of Moore and Richton fails to disclose or suggest all of the limitations of any of these claims as would be required to support an obviousness rejection under M.P.E.P. § 2143.

In particular, the combination of Moore and Richton fails to teach the claimed function of instructing a cellular wireless system to determine the position of a mobile station at a level of granularity associated with a service identifier, i.e., at a level of granularity associated with the service for which the position will be used to obtain relevant location-based information.

Independent claims 4 and 12 both recite the invention including, among other limitations, the following three functional elements:

- (i) receiving a service identifier that is associated with a service,
- (ii) associating a level of granularity with the service identifier, and
- (iii) based on the service identifier, instructing a cellular wireless system to determine the position of the mobile station at the associated level of granularity.

According to the invention, the determined position of the mobile station is associated with a provider-defined region for purposes retrieving associated location-based information. Thus, depending upon the service identifier associated with the service at issue, the mobile station position used as a basis to obtain location-based information may be determined at different levels of granularity (e.g., using different location determination techniques).

As explained in the specification, for instance, a service such as 911 might require a high degree of granularity, and so an application manager may specify that mobile station position should be determined at a high degree of granularity (e.g., relatively precise GPS coordinates)

when the service-identifier is associated with 911 service. On the other hand, a service such as local weather-forecasting may work at a lower level of granularity (e.g., within a few miles), and so an application manager may specify that the mobile station position should be determined at a low degree of granularity (e.g., the cell serving the mobile station) when the service-identifier is associated with a weather-forecasting service. (See the specification at pages 10-12.) Different position determining techniques could be used to make these position-determinations at different levels of granularity.

The combination of Moore and Richton fails to teach instructing a cellular wireless system to determine the position of a mobile station at a level of granularity associated with a service identifier.

At best, both Moore and Richton teach determining the position of a mobile station and, *after the position of the mobile station has been determined*, triggering retrieval of location-based information if the determined location meets a threshold location. Neither Moore nor Richton teach using a service-identifier as a basis to select the granularity at which a cellular wireless system determines mobile station position. (Richton appears to teach at column 10 that a determined position may have an accuracy or confidence level that can be considered when deciding whether to invoke a location-based service. But that does not constitute varying the level of accuracy. At best, it seems to be a matter of first determining the location and then deciding based on the location, given its inherent level accuracy, whether to invoke a location-based service.)

In rejecting claim 4 over the combination of Moore and Richton, the Examiner acknowledged that Moore does not teach associating a level of granularity with a service identifier and, based on the service identifier, instructing the cellular wireless system to

determine the position of the mobile station at the associated level of granularity. The Examiner then turned to Richton at column 8, lines 58-66, in an effort to establish this missing claim element. With all due respect, however, Applicant submits that column 8, lines 58-66 (like the rest of Richton) does not teach or suggest the function associating a level of granularity with a service identifier and, based on the service identifier, instructing the cellular wireless system to determine the position of the mobile station at the associated level of granularity.

Column 8, lines 68-66, of Richton teaches merely that a proximity criteria may be set, for purposes of determining how close a mobile station needs to be to a particular location in order to trigger retrieval of location-based information. This assumes that the position of the mobile station has already been determined and involves deciding whether that determined position is close enough to trigger information-retrieval. It does not involve varying or selecting a level of granularity at which to determine mobile station position in the first place.

Because the combination of Moore and Richton fails to disclose or suggest all of the elements of claim 4, Applicant submits that a *prima facie* case of obviousness of claim 4 does not exist. Further, claims 2, 6-7, and 10-11 depend from claim 4 and therefore incorporate all of the elements of claim 4, and thus a *prima facie* case of obviousness of claims 2, 6-7, and 10-11 also does not exist. Still further, for the same reasons, Applicant submits that a *prima facie* case of obviousness of claim 12 also does not exist.

#### **c. Response to § 103 Rejection of Claim 3**

The Examiner next rejected claim 3 as being obvious over a combination of Moore, Richton and Caughran. Claim 3 depends from claim 4 and thus incorporates the limitations of claim 4. For the reasons discussed above, the combination of Moore and Richton fails to render obvious the invention of claim 4. Further, Applicant submits that Caughran fails to overcome

the deficiency of the Moore/Richton combination. Consequently, the combination of Moore, Richton, and Caughran fails to render obvious the invention of claim 4 and thus fails to render obvious the invention of dependent claim 3.

**d. Response to § 103 Rejection of Claim 5**

The Examiner next rejected claim 5 as being obvious over a combination of Moore, Richton, and Alperovich. Claim 5 depends from claim 4 and thus incorporates the limitations of claim 4. For the reasons discussed above, the combination of Moore and Richton fails to render obvious the invention of claim 4. Further, Applicant submits that Alperovich fails to overcome the deficiency of the Moore/Richton combination. Consequently, the combination of Moore, Richton, and Alperovich fails to render obvious the invention of claim 4 and thus fails to render obvious the invention of dependent claim 5.

**e. Response to § 103 Rejection of Claims 8, 9, and 15**

The Examiner next rejected claims 8, 9 and 15 as being obvious over a combination of Moore, Richton, and Chern. Claims 8 and 15 depend from claim 4 and thus incorporate the limitations of claim 4. For the reasons discussed above, the combination of Moore and Richton fails to render obvious the invention of claim 4. Further, Applicant submits that Chern fails to overcome the deficiency of the Moore/Richton combination. Consequently, the combination of Moore, Richton, and Chern fails to render obvious the invention of claim 4 and thus fails to render obvious the invention of dependent claims 8 and 15.

By way of this response, Applicant has amended claim 9 to include the limitations discussed above with respect to claim 4. Consequently, for the same reason that the combination of Moore, Richton, and Chern fail to render obvious the invention of claim 4, the combination of Moore, Richton, and Chern fail to render obvious the invention of claim 9.

**f. Response to § 103 Rejection of Claims 13 and 14**

The Examiner next rejected claims 13 and 14 as being obvious over a combination of four references, namely: Moore, Richton, Caughran, and Chern.

Independent claim 13 includes limitations similar to those discussed above with respect to claim 4. For the reasons discussed above, the combination of Moore and Richton fail to render obvious the invention of claim 4. Further, as noted above, Applicant submits that the Cauthran and Chern references fail to overcome the deficiency of the Moore/Richton combination. Consequently, the combination of Moore, Richton, Caughran, and Chern fails to render obvious the invention of claim 4 and thus fails to render obvious the invention of dependent claim 13.

Further, claim 14 depends from claim 13 and therefore incorporates all of the elements of claim 13. Consequently, for the same reason, the combination Moore, Richton, Caughran, and Chern fails to render obvious the invention of claim 14.

**3. Conclusion**

In view of the foregoing, Applicant submits that claims 2-15 are in condition for allowance, and Applicant therefore respectfully requests favorable reconsideration of these claims.

Respectfully submitted,  
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